

## Rivera, Adrienne

---

**From:** Steve Bain <[sbain@wsmtlaw.com](mailto:sbain@wsmtlaw.com)>  
**Sent:** Monday, November 20, 2017 8:38 AM  
**To:** Swanson, Amy  
**Cc:** Hohman, Darla; Steve Bain  
**Subject:** RE: Draft Peter K. Roosevelt SPCC Settlement Document

Amy,  
Thank you for the update.  
Have a good Thanksgiving,  
Steve Bain

Stephen A. Bain  
Attorney

### Welborn Sullivan Meck & Tooley, P.C.

1125 17th Street, Suite 2200, Denver, CO 80202

EMAIL: [sbain@wsmtlaw.com](mailto:sbain@wsmtlaw.com)  
MAIN: 303-830-2500  
DIRECT: 303-376-4471  
FAX: 303-832-2366  
WEBSITE: [wsmtlaw.com](http://wsmtlaw.com)

---

**From:** Swanson, Amy [<mailto:Swanson.Amy@epa.gov>]  
**Sent:** Monday, November 20, 2017 7:36 AM  
**To:** Steve Bain  
**Cc:** Hohman, Darla  
**Subject:** RE: Draft Peter K. Roosevelt SPCC Settlement Document

Steve. Good morning. Just a quick email to inform you that the public notice period for the settlement with Peter Roosevelt expired on November 17, 2017. I sent the Regional Hearing Clerk a message this morning to learn whether any comments were received. Notwithstanding the receipt of any substantive comments, I plan to submit the CCCA to the Regional Judicial Officer for approval and issuance of a Final Order in 10 days pursuant to 40 CFR 22.45(c)(3). Specifically, I will submit the CCCA on November 28, 2017. Thank you,

**Amy Swanson** | Senior Attorney  
Legal Enforcement Program | USEPA Region 8 | 8ENF-L  
303.312.6906 | [swanson.amy@epa.gov](mailto:swanson.amy@epa.gov)

---

**From:** Steve Bain [<mailto:sbain@wsmtlaw.com>]  
**Sent:** Monday, September 11, 2017 1:04 PM  
**To:** Swanson, Amy <[Swanson.Amy@epa.gov](mailto:Swanson.Amy@epa.gov)>  
**Cc:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>; Steve Bain <[sbain@wsmtlaw.com](mailto:sbain@wsmtlaw.com)>  
**Subject:** RE: Draft Peter K. Roosevelt SPCC Settlement Document

Amy,  
Thank you for keeping us posted.  
Steve Bain

---

**From:** Swanson, Amy [<mailto:Swanson.Amy@epa.gov>]  
**Sent:** Monday, September 11, 2017 1:02 PM  
**To:** Steve Bain  
**Cc:** Hohman, Darla  
**Subject:** RE: Draft Peter K. Roosevelt SPCC Settlement Document

Steve. Thank you for your email and the signed CCCA. I will let you know when we post the public notice after the document is signed by EPA, and also when we plan to file the document with the Regional Hearing Clerk after the public notice period expires. Thank you and Mr. Roosevelt for getting the document back to us so quickly.

**Amy Swanson** | Senior Attorney  
Legal Enforcement Program | USEPA Region 8 | 8ENF-L  
303.312.6906 | [swanson.amy@epa.gov](mailto:swanson.amy@epa.gov)

---

**From:** Steve Bain [<mailto:sbain@wsmtlaw.com>]  
**Sent:** Friday, September 08, 2017 2:16 PM  
**To:** Swanson, Amy <[Swanson.Amy@epa.gov](mailto:Swanson.Amy@epa.gov)>  
**Cc:** Hohman, Darla <[hohman.darla@epa.gov](mailto:hohman.darla@epa.gov)>; Steve Bain <[sbain@wsmtlaw.com](mailto:sbain@wsmtlaw.com)>  
**Subject:** RE: Draft Peter K. Roosevelt SPCC Settlement Document

Amy,  
Please find attached as requested the Combined Complaint and Consent Agreement executed by Mr. Roosevelt.  
Regards,  
Steve Bain

Stephen A. Bain  
Attorney

**Welborn Sullivan Meck & Tooley, P.C.**

1125 17th Street, Suite 2200, Denver, CO 80202

EMAIL: [sbain@wsmtlaw.com](mailto:sbain@wsmtlaw.com)  
MAIN: 303-830-2500  
DIRECT: 303-376-4471  
FAX: 303-832-2366  
WEBSITE: [wsmtlaw.com](http://wsmtlaw.com)

---

**From:** Swanson, Amy [<mailto:Swanson.Amy@epa.gov>]  
**Sent:** Monday, August 28, 2017 10:54 AM  
**To:** Steve Bain  
**Cc:** Hohman, Darla  
**Subject:** Draft Peter K. Roosevelt SPCC Settlement Document

Privileged and Confidential  
Settlement Communication Subject to Fed. R. Evid. 408

Steve. Good morning. Attached for your and your client's review and consideration is a draft Combined Complaint and Consent Agreement to fully resolve the Spill Prevention, Control and Countermeasure violations alleged against your client pertaining to the P6-21 Porter, 11-25 Barker and 13-17 Benton facilities in Fall River County, South Dakota. The

document reflects the previously agreed upon settlement amount of \$50,000, as well as the current SPCC compliance status of the facilities. At your and Mr. Roosevelt's earliest convenience, please let me know if the terms and conditions set forth in the draft CCCA are acceptable. If the document is acceptable to Mr. Roosevelt as is, please direct him to sign the document and return the original document to me by regular mail. If you or Mr. Roosevelt request changes to the document, please provide me with the proposed revisions by email or call me to discuss. Upon receipt of the signed document from Mr. Roosevelt, I will submit the document to EPA management for signature. Once the document is fully-executed, we will post the public notice for 30 days. Ten days later (for a total of 40 public notice period of days), I will file the document with the EPA Region 8 Regional Hearing Clerk. Mr. Roosevelt will have 30 days to pay the penalty from the date he receives the Final Order from the Regional Judicial Officer. On behalf of the EPA, please extend our sincere appreciation to Mr. Roosevelt for his willingness to address the SPCC issues and resolve this matter amicably. Thank you,

**Amy Swanson** | Senior Attorney  
Legal Enforcement Program | USEPA Region 8 | 8ENF-L  
303.312.6906 | [swanson.amy@epa.gov](mailto:swanson.amy@epa.gov)